

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		Docket Number (Optional) 56545.010401
--	--	--

First named inventor: Robert C. Livingston

Application No.: PCT/US2004/030624

Art Unit: TBD

Filed: September 20, 2004

Examiner: TBD

Title:

ROUGE FREE PHARMACEUTICAL WATER FOR INJECTION (WFI) WATER SYSTEM

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

#### APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$\_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$\_\_\_\_\_.  
 as been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

American LegalNet, Inc.  
www.USCountForms.com

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

 Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) claiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

May 1, 2006

Date

Gerard F. Diebner

Typed or printed name

200 Park Avenue

Address

New York, New York 10166

Address

31,345

Registration Number, if applicable

(212) 801-2134

Telephone Number

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Please deduct the \$750.00 fee and all other fees associated with filing this petition from our Account No. 50-1561**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

May 1, 2006

Date

Signature

Martha Matos

Typed or printed name of person signing certificate



## Facsimile Transmission

From: Name: United States Patents and Trademark Office  
To: Name: Auto-reply fax to 212 848 9590  
Fax Number: 212 801 6400

**ADVISORY:** This is an automatically generated return receipt confirmation of your facsimile transmission. Please confirm the number of pages received is consistent with that intended to be sent. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)). Applicants are also advised to retain this return receipt in the unlikely event that the Office has no record of the facsimile submission, whether the facsimile submission is a reply to an Office action (37 CFR 1.8(b)), or a continued prosecution application under 37 CFR 1.53(d)) (37 CFR 1.6(f)).

Fax Notes:

---

!!!!!! IMPORTANT!!!!!!

Please change the CSID number to reflect the number on your FAX Machine, including the area code. Our automatic reply could not send these receipts.

Currently you have it set to "212 848 9590", it needs to be changed to "212 801 6400".

---

Date and time of transmission: Tuesday, May 02, 2006 8:56:36 AM  
Number of pages including this cover sheet: 02

---

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 212 848 9590

Fax Information  
Date Received: 5/1/2006 3:42:49 PM [Eastern Daylight Time]  
Total Pages: 3 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

5/1/2006 15:42 SPID:2020/TPR1010 • 80164000137127303004 HQ 250 (0)			
TRANSMISSION COVER SHEET			
TO	Attn: Office of Petitions MAIL STOP PETITION	Company	United States Patent & Trademark Office
Fax Number	571 273 4100	Phone Number	
FROM	Gerald F. Dickey		
File Number	56545.010409		
Comments	Re: ROUGH FREE PHARMACEUTICAL WATER FOR INJECTION		
Date	May 1, 2006		
Time			
No. Page	Including this cover sheet: 3		
Please notify us immediately if we received properly or 212-350-7200. The information contained in this transmission is a memory printout and confidential. It is neither safe nor reliable to store or copy this information. If you have received this information in error, please immediately, without a copy of it, communicate a clearly printed message to us in the office where we are located, advising us that you have received it in error and asking for further instructions. We will not be responsible for your action.			
350 Park Avenue, New York, New York 10101 (212) 350-7200 Fax (212) 350-7200			